

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
APPELLATE CRIMINAL JURISDICTION**

CRIMINAL APPLICATION NO.5996 OF 2005

Sanjay Patil & Ors. ..Applicants.

V/s.

State of Maharashtra. ..Respondents.

Ms.Madhavi Tavanandi for applicants.

Mrs. P.U.Badadare for respondent No.1.

Mr.A.S.Gadkari, APP for respondent No.2.

CORAM: A.M.KHANWILKAR, J

DATE : OCTOBER 17, 2005.

P.C. :

1. Perused the report submitted by the II Ad-hoc Additional Sessions Judge, Kolhapur dated 3rd October, 2005. It appears that on some dates matter was required to be adjourned at the request of co-accused who are on bail. On three occasions, accused were not produced before the court whereas on two occasions matter was adjourned as the court was on leave. However, as the charge has been framed on 28th September, 2005, court will now proceed with the trial of the case from the next date of hearing i.e. 30th November, 2005 on day to day basis unless there is older matter pending before him for trial. In other words, if there is any pending sessions case

which is older than the Sessions Case No. 38 of 2005, the trial Judge shall proceed with the trial after such older case is first disposed of.

2. The learned APP states on instruction that if trial will be conducted on day to day basis, it shall not take more than 8 weeks to conclude the trial and for judgment. If it is so, merely because trial has not proceeded so far, can be no ground for allowing application for bail which is second bail application. First bail application has been rejected on merits. In the circumstances, this application is disposed of with direction to the trial Judge to ensure that the trial be concluded expeditiously. Prosecution shall ensure that on every date of hearing all the accused are kept present in the court to ensure the early disposal of the trial. In case any adjournment is sought by the accused, it will be open to the trial court to pass appropriate orders so as to ensure that trial is conducted on day to day basis.

3. Ordered accordingly.